

IN RE PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
SE/Corner Third and Fir Drives • ZONING COMMISSIONER  
(15 Fir Drive)  
15th Election District • OF BALTIMORE COUNTY  
5th Councilmanic District  
Marie E. Martin • Case No. 91-383-A  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 407.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County.

ORDER RECEIVED FOR FILING  
Date 5/24/91  
By [Signature]

- 2 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 To allow an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):  
1. There is insufficient space in the rear of the property to allow for safe passage of an automobile.  
2. There is no other access to the property.  
3. Driveway has been in use since the house was built.  
4. Petitioner is a mature woman and a covered area will be beneficial for her well being.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

#15 Fir Drive 687-5837

Middle River, Maryland 21220

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Thomas B. Shettle Sears, Roebuck & Co.

126 Shaven Road

Hunt Valley, Maryland 21030 785-1000

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of May, 1991, that the subject matter of this petition be posted on the property on or before the 25th day of May, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of May, 1991, at 2 o'clock, P.M.

ORDER RECEIVED FOR FILING

Date 5/24/91

By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of May, 1991 that the Petition for Residential Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed carport shall not be enclosed at any time and shall remain open on the three exposed sides.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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Date 5/24/91  
By [Signature]

- 3 -

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-383-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at  
#15 Fir Drive, Middle River, Maryland 21220  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. There is insufficient space in the rear of the property to allow for safe passage of an automobile.
2. There is no other access to the property.
3. Driveway has been in use since the house was built.
4. Petitioner is a mature woman and a covered area will be beneficial for her well being.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of March, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3-14-91  
DATE

NOTARY PUBLIC

My Commission Expires:

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated May 3, 1991, attached hereto and made a part hereof.

JRH:bjs

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 5/24/91  
By [Signature]

- 4 -

CRITICAL AREA

Marie E. Martin

Property Description

All that lot of ground, situate, lying and being in Baltimore County: Beginning for the same and being designated as Lot No. 181, on the plat of Stansbury Manor, Section IV, of record among the Land Records of Baltimore County in Plat Book C.H.K. No. 13, folio 138; the improvements whereon being known as No. 15 Fir Drive.



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: May 3, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 357  
Martin Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 15 Fir Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Marie E. Martin

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

Memo to Mr. J. Robert Haines  
May 13, 1991  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located approximately 600 feet from the tidal waters of Middle River. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: The applicant agrees that in order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju  
Attachment

cc: The Honorable Vincent Gardina  
The Honorable Donald Mason  
Mr. Ronald B. Hickernell  
Mrs. Janice B. Outen  
Ms. Marie E. Martin  
Mr. Thomas B. Shettle

J. James Dieter, Director

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 15 FIR DRIVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: STANLEY MARIE  
plat book # 12, folio # 131, lot # 131, section # ---

OWNER: MARIE E. MARTIN

*Petitioner's Exhibit 1*

*48 Drive*

*Proposed detached carport*

*Existing house constructed in early 1940's*

*3rd Drive*

*91-383-A*

Scale of Drawing: 1"=50'

North

date: 4/19/91  
prepared by: TAS

CRITICAL AREA

LOCATION INFORMATION

Councilmanic District: ---  
Election District: 15  
1"=200' scale map: NE 2-3  
Zoning: DR 5-5  
Lot size: 4,816 square feet  
5,730 square feet

SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!  
reviewed by: --- ITEM #: 357 CASE#: ---

Mrs. Marie E. Martin  
No. 15 Fir Drive  
Middle River, Maryland

91-383-A



*Petitioner's Exhibit 2*



CRITICAL AREA

February 20, 1991

Baltimore County Zoning Office  
Towson, Maryland

In Re: No. 15 Fir Drive  
Middle River, Maryland  
21220

Greetings:

Now comes Mrs. Marie E. Martin, owner of the above property, seeking a variance from the present DR 5-5 zoning to allow a free standing carport to be erected over an existing driveway. Mrs. Martin presently parks her automobile on the driveway, which is within her property, and would like to protect the car and herself from the elements. There is no other area within the property suitable for a carport.

Many neighbors have carports similar to the one Mrs. Martin would like to erect.

Please call if there are any questions. We appreciate your understanding and cooperation.

Thomas B. Shettle

*Petitioner's Exhibit 3*



PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

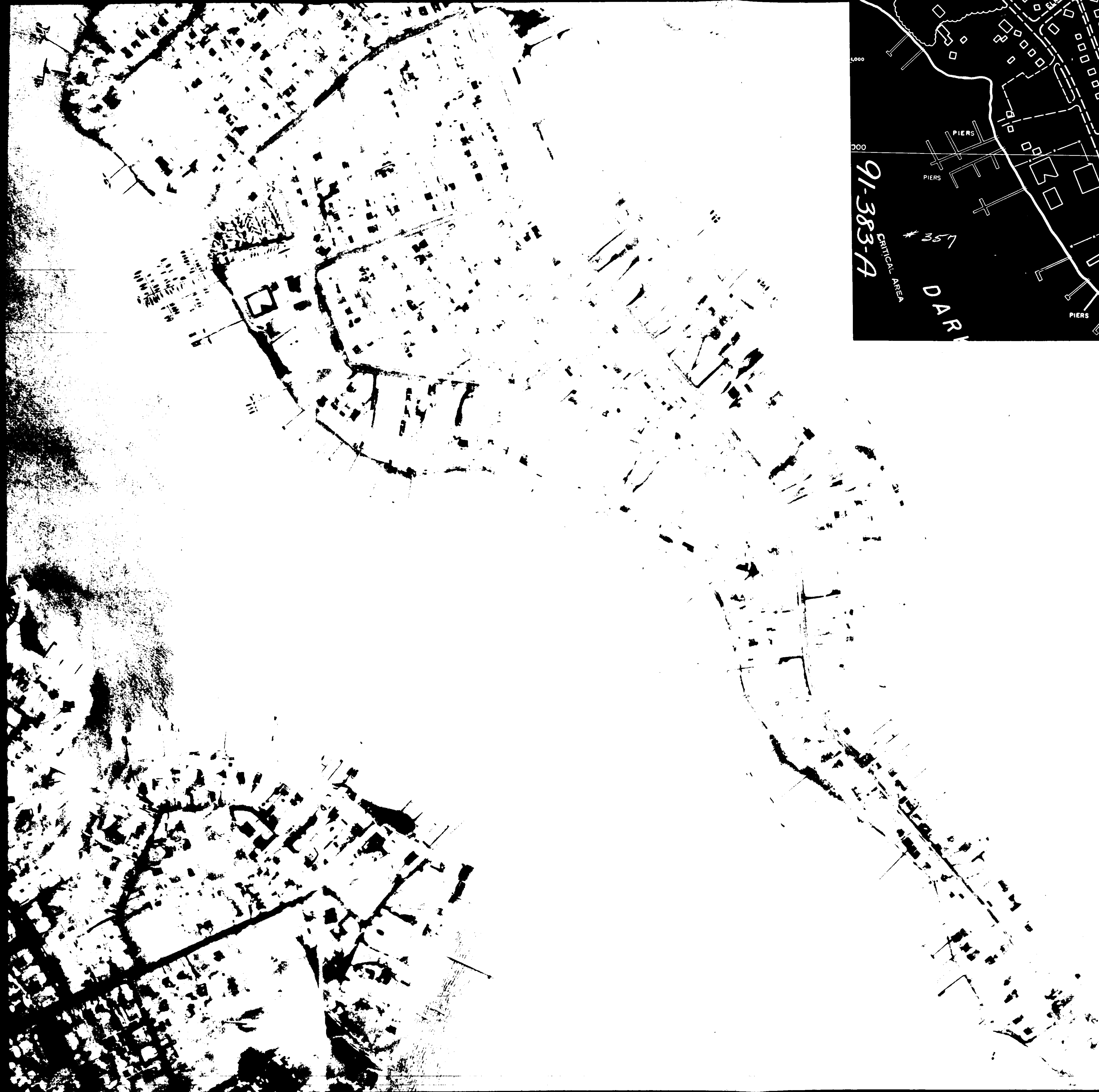
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

91-383-A

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
WILSON POINT

SHEET



#357  
CRITICAL AREA